

REMARKS

In the outstanding Office Action, claims 1 to 23 were presented for examination. Rejection was advanced on the basis of 35 U.S.C. 102 against claims 1-3, 5-9, 11-14 , and on the basis of 35 U.S.C. 103 against claims 4, 10 and 15-16, 23. Rejection was based on references to Bernard, Abecassis and Sood.

The Office Action has been most carefully studied. In this amendment applicant has amended the claims to more clearly claim the invention In addition, the claims have been amended in order to remove any questions under 35 U.S.C. 112, in accordance with the guidelines and requirements set forth in the outstanding Office Action.

Accordingly, as will be discussed in detail below, it is believed that the application is clearly in condition for allowance.

Generally, the inventive system differs fundamentally from the cited prior art. In particular, the patent to Bernard deals with a system involving the retail sale, primarily by mail, of hard copy products. Indeed, as detailed in the specification, the same is meant as a sales method, and not a method for delivery of product and downstream marketing as claimed in the application as originally filed. See, for example, claim 17 which specifically recites providing advertising material to purchasers over said communications network allowing purchasers to locally market and sell the multimedia material.

In this respect, also, reference is made to, for example, claim 10, which specifically recites projection of the movie for display to an audience in a theater.

Claim 1 has also now been amended to make various aspects of this aspect of the invention was clear. Care has been taken not to raise any new issues, and the claim language added in this amendment has been carefully written not to raise any new elements for search above and beyond those raised in the claims as filed. Accordingly, in view of the failure of the prior art to teach the above aspects of the invention, it is believed that these claims are in condition for allowance.

Referring to the Abecassis patent, while advertisements are transmitted over the system, these are conventional advertisements that go with programming, not advertising material used to market the movie being marketed. In this respect the double marketing aspect of the inventive system is not remotely taught by the cited art. Electronic downloading of movies for exhibition, together with marketing materials to sell those movies and increase the number of persons attending or otherwise seeing in the exhibition is not remotely taught by the prior art.

In addition, the recitation of the provision of marketing data to potential exhibitors is also something that shown by the prior art, and originally in the claims as filed. Accordingly, the claims which include these limitations are additionally nonobvious as compared to the prior art. In contrast to the invention taught by


applicant, Abecassis is concerned primarily with or adding content by removing, for example, scenes which include bloodshed.

Bernard is likewise inapplicable. This reference merely deals with a system for the ordering of products. It is not concerned with downstream marketing of the same by the buyers. Like the other art of record, no marketing materials are provided. Nor are the movies marketed and exhibited. In this respect Bernard is fundamentally different from the invention taught by the applicant. While it is true that Bernard does talk about providing movie clips, this is not the equivalent of advertising material, nor does it entail exhibition of the same to potential downstream buyers of the material.

The patent to Sood fails to remedy any of the above discussed deficiencies. Accordingly, it is believed clear that the claims are in condition for allowance.

In view of the above amendments and the discussion relating thereto, it is respectfully submitted that the instant application, as amended, is in condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, he is invited to call the telephone number below for an interview.

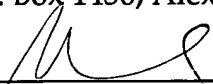
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 6, 2005.



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